

# **EXHIBIT B**

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

WARREN GARDNER, et al., on behalf of  
Themselves and all others similarly situated,

Plaintiffs,

v.

STARKIST CO., a Delaware Corporation,

Defendant.

Case No. 3:19-cv-02561-WHO

**STARKIST CO.'S RESPONSES AND  
OBJECTIONS TO PLAINTIFFS'  
FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant StarKist Co. (“StarKist”) hereby responds and objects to Plaintiffs’ First Set of Requests for Production of Documents served by electronic mail on August 13, 2020 (the “Requests”) as follows:

### **PRELIMINARY STATEMENT**

1. These responses and objections are based on StarKist’s interpretation and understanding of the individual Requests and its investigation to date, its knowledge, and its belief. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, StarKist expressly reserves the right to augment, amend, or supplement these responses and objections as necessary, including based on additional or different information that further investigation or discovery may disclose.

2. StarKist’s responses and objections to the Requests are made solely for the purpose of and in relation to the above-captioned action (the “Action”) and on the express condition that such information shall not be used or disclosed for any other purpose. To the extent StarKist provides any information or produces any documents in response to the Requests, it will do so in accordance with the Stipulated Protective Order that the Court entered on April 16, 2020 (Dkt. No. 96).

3. StarKist reserves the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts, evidence, documents, and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents, and things in these responses.

4. StarKist’s responses and objections are made without waiving or intending to waive any objection(s).

### **GENERAL OBJECTIONS**

1. StarKist objects to the Requests on the grounds, reflected in its pending Motion to Deny Class Certification (Dkt. No. 107) (the “Motion”), that class certification should be denied without discovery in this Action because Plaintiffs cannot make a *prima facie* showing of Rule 23’s prerequisites and because discovery is not likely to produce

1 persuasive information substantiating the class action allegations. StarKist intends to  
2 supplement these responses and objections, if and to the extent necessary, after the Court  
3 has addressed the Motion.

4       2.       StarKist objects to the Requests based on the Court's June 4, 2020 Order on  
5 Discovery Dispute in the related case *Duggan v. Tri-Union Seafoods LLC*, Case No. 3:19-  
6 cv-02562-WHO (*Duggan* Dkt. No. 74) (the "Discovery Order"). Specifically, StarKist  
7 objects to the extent Plaintiffs' Requests are in violation of the Court's Discovery Order  
8 holding that the "only label at issue in [this Action] is the dolphin-safe label" and that  
9 discovery requests "relating to sustainability should be narrowed to . . . relate to dolphin  
10 harm and/or dolphin mortality."

11       3.       StarKist objects to the Requests to the extent they impose obligations and  
12 demands upon StarKist beyond those contemplated by the Federal Rules of Civil  
13 Procedure, the applicable Local Rules, or any order or ruling by the Court in this case.

14       4.       StarKist objects to the Requests to the extent they seek documents or  
15 information that is not in StarKist's possession, custody, or control. StarKist further objects  
16 to the Requests to the extent that they purport to require StarKist to conduct anything  
17 beyond a reasonable and diligent search for responsive documents or information where  
18 such documents or information would reasonably be expected to be found.

19       5.       StarKist objects to the Requests to the extent they seek the production of  
20 documents or disclosure of information protected by any applicable privilege, including but  
21 not limited to the attorney-client privilege, common-interest privilege, the work-product  
22 doctrine or immunity, and any other applicable privilege, immunity, or exemption from  
23 discovery as outlined in the Federal Rules of Civil Procedure, Local Rules, any order or  
24 ruling by the Court in this case, and applicable law. To the fullest extent allowable under  
25 Federal Rule of Evidence 502 and any other applicable law, inadvertent production of any  
26 such documents or disclosure of any such information shall not constitute a waiver of any  
27 privilege with respect to the documents produced or information disclosed or the subject  
28 matter thereof, or a waiver of StarKist's right to object to the use of any such documents or

1 information during trial or any subsequent proceeding or to demand the return of any  
2 documents or information so disclosed.

3         6.         StarKist objects to the Requests to the extent they seek trade secrets,  
4 sensitive business information, or other information that is proprietary and/or confidential,  
5 including documents or information deemed confidential pursuant to a confidentiality  
6 agreement or other arrangements or protected from production or disclosure pursuant to  
7 court order. StarKist will not disclose information or produce documents that are subject to  
8 confidentiality restrictions of a third party except in conformity with StarKist's obligations  
9 to such third parties.

10         7.         StarKist objects to the Requests to the extent that they purport to require  
11 StarKist to draw subjective or legal conclusions, or are predicated on subjective or legal  
12 conclusions or arguments. Subject to and without waiving any objections, StarKist states  
13 that any response, production of documents, or provision of information in response to the  
14 Requests is not intended to provide, and shall not constitute or be construed as providing,  
15 an admission concerning any of the terms used in the Requests.

16         8.         StarKist objects to the Requests to the extent that they contain inaccurate,  
17 incomplete, or misleading descriptions of the facts, persons, relationships, and/or events  
18 underlying this Action. StarKist further objects to the Requests in their entirety to the  
19 extent that they assume the existence of facts that do not exist or the occurrence of events  
20 that did not take place. The fact that StarKist is willing to produce documents or provide  
21 responsive information does not constitute an admission that any Request is proper, that the  
22 documents or information it seeks is relevant or within the proper bounds of discovery, that  
23 the factual predicates stated in the Requests are accurate, or that similar Requests will be  
24 treated in a similar fashion.

25         9.         StarKist objects to the Requests to the extent that they are overbroad, unduly  
26 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not  
27 related to any party's claim or defense, or not proportional to the needs of the case.

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1           10.     StarKist objects to the Requests to the extent that they seek documents or  
2 information already obtained by Plaintiffs or that they can obtain from sources that are  
3 more convenient, less burdensome, or less expensive. In particular, StarKist objects to the  
4 extent the Requests seek documents or information, which by reason of public filing, prior  
5 production, or otherwise, are already in Plaintiffs' possession or are readily accessible to  
6 Plaintiffs.

7           11.     StarKist objects to the Requests as premature to the extent that StarKist  
8 would have to engage in expert analysis, and/or render expert opinions in order to respond  
9 or produce documents.

10          12.     StarKist objects to the Requests to the extent that they are duplicative or  
11 cumulative, and objects to each Request to the extent that it is duplicative or cumulative of  
12 other discovery.

13          13.     StarKist objects to the definition of "Advertisement(s)" or "Advertising" as  
14 vague, ambiguous, overbroad, and unduly burdensome, particularly to the extent it purports  
15 to include "any . . . method used to promote" the tuna products at issue in this case.

16          14.     StarKist objects to the definitions of "and," "or," and "any" as vague,  
17 ambiguous, overbroad, unduly burdensome, and to the extent they impose obligations on  
18 StarKist that are different or broader than those set forth in the Federal Rules of Civil  
19 Procedure, applicable Local Rules, or any order or ruling by the Court in this case. StarKist  
20 will construe "and," "or," and "any" to have their normal meaning.

21          15.     StarKist objects to the definition of "Bycatch" as overbroad and unduly  
22 burdensome because it includes marine species other than dolphins.

23          16.     StarKist objects to the definition of "Communication" as vague, ambiguous,  
24 overbroad, and unduly burdensome, particularly with respect to the phrase "by any means."  
25 StarKist further objects to the extent this definition purports to impose obligations on  
26 StarKist that are different or broader than those set forth in the Federal Rules of Civil  
27 Procedure, applicable Local Rules, or any order or ruling by the Court in this case.

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1           17.     StarKist objects to the definition of “Dongwon” as nonsensical as StarKist is  
2 unfamiliar with any entity called “Industries Co. Ltd.” StarKist further objects to this  
3 definition as vague, ambiguous, overbroad, and unduly burdensome to the extent that it  
4 purports to encompass any entity’s “past and present parents, subsidiaries, affiliates,  
5 predecessors, successors, employees, independent contractors, officers, agents, vendors,  
6 accountants, and all other persons or entities acting on its behalf or under its direct or  
7 indirect control.” StarKist further objects to this definition to the extent it seeks  
8 information from Dongwon Industries Co. Ltd., which has been dismissed from this Action  
9 with prejudice. StarKist further objects to the extent that the definition calls for a legal  
10 conclusion as to any agency, employment, or affiliate relationship.

11           18.     StarKist objects to the definition of “EII” as vague, ambiguous, overbroad,  
12 and unduly burdensome to the extent that it purports to encompass the Earth Island  
13 Institute’s “past and present parents, subsidiaries, affiliates, predecessors, successors,  
14 employees, independent contractors, officers, agents, vendors, accountants, and all other  
15 persons or entities acting on its behalf or under its direct or indirect control.” StarKist  
16 further objects to the extent that the definition calls for a legal conclusion as to any agency,  
17 employment, or affiliate relationship. StarKist will construe “EII” to mean the Earth Island  
18 Institute.

19           19.     StarKist objects to the definition of “EII Dolphin Safe Logo” as vague,  
20 ambiguous, and nonsensical in its use of the word “EII,” which has no apparent connection  
21 to the referenced logo in paragraph 20 of Plaintiffs’ SAC (the “Dolphin Safe Logo”).  
22 StarKist will construe “EII Dolphin Safe Logo” to mean the “Dolphin Safe Logo.”

23           20.     StarKist objects to the definition of “Employee(s)” as vague, ambiguous,  
24 overbroad, and unduly burdensome, particularly to the extent it purports to include anyone  
25 who “acted or purported to act on behalf of another person or persons, including all past  
26 and present directors, officers, executives, agents, representatives, attorneys, accountants,  
27 independent contractors, contact persons, advisors, and consultants of such other person or  
28

persons.” StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency or employment relationship.

21. StarKist objects to the definition of “FADs” as vague, ambiguous, overbroad, and unduly burdensome because it is not limited to fish aggregating devices used to attract tuna for use in the tuna products at issue in this case.

22. StarKist objects to the definition of “ISSF” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass the International Seafood Sustainability Foundation’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control.” StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency, employment, or affiliate relationship. StarKist will construe “ISSF” to mean the International Seafood Sustainability Foundation.

23. StarKist objects to the definition of “Label(s)” and “Labeling” as vague, ambiguous, overbroad, and unduly burdensome to the extent it purports to include “any other promotion or promotional campaign materials that . . . come with” any StarKist product.

24. StarKist objects to the definition of “NFI” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass the National Fisheries Institute’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control.” StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency, employment, or affiliate relationship. StarKist will construe “NFI” to mean the National Fisheries Institute.

25. StarKist objects to the definition of “net sales” as vague and ambiguous in its use of the terms “rebates,” “returns,” and “discounts.”



26. StarKist objects to the definition of “Person(s)” as vague, ambiguous, overbroad, and unduly burdensome, particularly to the extent it purports to include “the representatives of any such person or persons.”

27. StarKist objects to the definition of “Product(s)” as vague, ambiguous, overbroad, and unduly burdensome to the extent it purports to include any tuna products that are not branded as “StarKist” products.

28. StarKist objects to the definition of “relate,” “relating to,” “concerning,” and “regarding” as vague, ambiguous, overbroad, and unduly burdensome. StarKist further objects to the extent this definition purports to impose any obligations on StarKist that are different or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the Court in this case.

29. StarKist objects to the definition of “Social Media” as vague, ambiguous, overbroad, and unduly burdensome in its use of the terms “users,” “content,” and “social networking.”

30. StarKist objects to the definition of “Social Media” as vague, ambiguous, overbroad, and unduly burdensome to the extent it purports to include any “websites and applications that enable users to create and share content.”

31. StarKist objects to the definition of “StarKist,” “You,” “Your,” and “Manufacturer” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass StarKist’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control including, without limitation, Dongwon.” StarKist further objects to this definition to the extent it seeks information not within StarKist’s possession, custody, or control. StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to this definition to the extent it seeks information, the disclosure of which is prohibited by law, regulation, order of a court, or other authority of a foreign

1 jurisdiction in which the information is located. StarKist further objects to the extent that  
2 the definition calls for a legal conclusion as to any agency, employment, or affiliate  
3 relationship. StarKist will construe “StarKist,” “You,” “Your,” and “Manufacturer” to  
4 mean StarKist Co.

5 32. StarKist objects to the definition of “Wholesale Price” as vague and  
6 ambiguous in its use of the terms “in bulk,” “discount,” and “rebate.”

7 33. StarKist objects to paragraph 2 of the INSTRUCTIONS as vague,  
8 ambiguous, overbroad, and unduly burdensome in purporting to require that StarKist  
9 interpret any “reference to a business entity” as including that business entity’s “affiliated  
10 companies, partnerships, divisions, subdivisions, directors, officers, employees, agents,  
11 clients, or other representatives of affiliated third parties.” StarKist further objects to the  
12 extent that this paragraph calls for a legal conclusion as to any agency, employment, or  
13 affiliate relationship. StarKist will construe references to a business entity to mean that  
14 business entity.

15 34. StarKist objects to paragraph 3 of the INSTRUCTIONS as overbroad and  
16 unduly burdensome, and to the extent this paragraph imposes obligations on StarKist that  
17 are different or broader than those set forth in the Federal Rules of Civil Procedure,  
18 applicable Local Rules, or any order or ruling by the Court in this case. StarKist further  
19 objects to this paragraph to the extent that it purports to require the production of  
20 information that is protected by the attorney-client privilege, work product doctrine, or  
21 other similar privileges. To the extent that StarKist withholds or redacts any responsive  
22 documents on the basis of the attorney-client privilege, work product doctrine, or other  
23 similar privileges, StarKist will produce a privilege log that complies with Rules 26 and 34  
24 of the Federal Rules of Civil Procedure and the Local Rules. The parties will meet and  
25 confer regarding the timing for the exchange of privilege logs in an effort to agree to  
26 exchange logs at a mutually agreeable time.

27 35. StarKist objects to paragraphs 4, 5, and 6 of the INSTRUCTIONS as  
28 overbroad, unduly burdensome, and not proportional to the needs of the case. StarKist

1 further objects to these paragraphs to the extent they seek documents or information that is  
2 not in StarKist's possession, custody, or control. StarKist further objects to these  
3 paragraphs to the extent that they impose obligations on StarKist that are different or  
4 broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules,  
5 or any order or ruling by the Court in this case.

6 36. StarKist objects to paragraph 7 of the INSTRUCTIONS to the extent that it  
7 seeks to impose deadlines or other obligations that are inconsistent with Rule 26(e) of the  
8 Federal Rules of Civil Procedure. StarKist will supplement its discovery responses as  
9 required by the Federal Rules of Civil Procedure, the Local Rules, or any order or ruling by  
10 the Court in this case.

11 37. StarKist objects to paragraphs 8 and 9 of the INSTRUCTIONS as overbroad,  
12 unduly burdensome, and not proportional to the needs of the case. StarKist further objects  
13 to these paragraphs to the extent that they impose obligations on StarKist that are different  
14 or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local  
15 Rules, or any order or ruling by the Court in this case.

16 38. StarKist objects to paragraphs 10 to 33 of the FORM OF PRODUCTION in  
17 their entirety as overbroad, unduly burdensome, not proportional to the needs of the case,  
18 and imposing obligations on StarKist that are different or broader than those set forth in the  
19 Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the  
20 Court in this case. The parties have been meeting and conferring on a Stipulation re:  
21 Discovery of Electronically Stored Information that addresses the form of production in this  
22 Action and will continue to meet and confer on that subject in an effort to execute a  
23 mutually agreeable stipulation.

24 StarKist hereby incorporates the foregoing General Objections into each of its  
25 responses below, as though fully stated therein.

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1 **SPECIFIC RESPONSES AND OBJECTIONS**

2 **REQUEST FOR PRODUCTION NO. 1**

3 All Documents referred to or relied upon in responding to Plaintiffs' First Set of  
4 Interrogatories, including but not limited to Documents that were created outside the  
5 Relevant Time Period.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1**

7 StarKist hereby incorporates by reference its General Objections. StarKist further  
8 objects to this Request on the grounds, reflected in the Motion, that class certification  
9 should be denied without discovery in this Action. StarKist further objects on the basis that  
10 this Request is overbroad and unduly burdensome and seeks information that is not  
11 proportional to the needs of discovery in this case, particularly in its use of the phrase "[a]ll  
12 Documents." StarKist further objects to this Request as vague and ambiguous, particularly  
13 with respect to the phrase "relied upon." StarKist further objects to the Request to the  
14 extent that it seeks information that is publicly available and/or can be obtained from  
15 sources that are more convenient, less burdensome, or less expensive. StarKist further  
16 objects to the Request to the extent that it seeks information protected from discovery by  
17 any applicable privilege, immunity, or protection.

18 **REQUEST FOR PRODUCTION NO. 2**

19 All Documents, including NOAA spot check audit documents, which you contend  
20 support the dolphin-safe, responsible sourcing, or sustainability representations made in  
21 your Advertisements and Labeling for the Products.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2**

23 StarKist hereby incorporates by reference its General Objections. StarKist further  
24 objects to this Request on the grounds, reflected in the Motion, that class certification  
25 should be denied without discovery in this Action. StarKist further objects on the basis that  
26 this Request is overbroad and unduly burdensome and seeks information that is not  
27 proportional to the needs of discovery in this case, particularly in its use of the phrase "[a]ll  
28 Documents," and in light of the Discovery Order holding that discovery requests "relating

1 to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”  
2 StarKist further objects to this Request as vague and ambiguous. StarKist further objects to  
3 the Request to the extent that it seeks information that is publicly available and/or can be  
4 obtained from sources that are more convenient, less burdensome, or less expensive.  
5 StarKist further objects to the Request to the extent that it seeks information protected from  
6 discovery by any applicable privilege, immunity, or protection.

7 **REQUEST FOR PRODUCTION NO. 3**

8 All Documents and Communications that support, refer, or relate to Your  
9 verification that Your Products are dolphin-safe, do not contain tuna in which any dolphins  
10 were harmed in the procurement, and are sustainably sourced.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

12 StarKist hereby incorporates by reference its General Objections. StarKist further  
13 objects to this Request on the grounds, reflected in the Motion, that class certification  
14 should be denied without discovery in this Action. StarKist further objects on the basis that  
15 this Request is overbroad and unduly burdensome and seeks information that is not  
16 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll  
17 Documents,” and in light of the Discovery Order holding that discovery requests “relating  
18 to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”  
19 StarKist further objects to this Request as vague and ambiguous, particularly with respect to  
20 the terms “relate,” “verification,” “harmed,” “procurement,” and “sustainably sourced.”  
21 StarKist further objects to this Request as cumulative and duplicative of Request No. 2.  
22 StarKist further objects to the Request to the extent that it seeks information that is publicly  
23 available and/or can be obtained from sources that are more convenient, less burdensome,  
24 or less expensive. StarKist further objects to the Request to the extent that it seeks  
25 information protected from discovery by any applicable privilege, immunity, or protection.

26 **REQUEST FOR PRODUCTION NO. 4**

27 All Documents and Communications relating to or concerning documented  
28 instances of dolphins harmed or killed, whether intentionally or unintentionally, in the

procurement of the tuna in your Products. To avoid doubt, this includes any harm to dolphins occurring in fishing for tuna in your Products, even if that harm was attributable to a tuna catch that was segregated out as non-dolphin safe or where the tuna caught did not otherwise end up in your Products.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and its purported inclusion of tuna that did not end up in any StarKist product. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “relating to or concerning” and “documented instances,” and the terms “harmed,” “harm,” “procurement,” “attributable,” and “tuna catch.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 5**

All Documents and Communications relating to any harm or killing, whether intentional or unintentional, of dolphins by any fishing by Your fishing fleet, or any boat in which You or Your owners have any financial interest.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not

1 proportional to the needs of discovery in this case, particularly in its use of the phrases  
2 “[a]ll Documents and Communications,” “any harm or killing,” “any fishing,” “any boat,”  
3 and “any financial interest.” StarKist further objects to this Request as vague and  
4 ambiguous, particularly with respect to the terms “relating,” “harm,” “fishing fleet,”  
5 “owners,” and “financial interest.” StarKist further objects to this Request as cumulative  
6 and duplicative of Request No. 4. StarKist further objects to this definition to the extent it  
7 seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this  
8 Action with prejudice. StarKist further objects to the Request to the extent that it seeks  
9 information that is publicly available and/or can be obtained from sources that are more  
10 convenient, less burdensome, or less expensive. StarKist further objects to this Request to  
11 the extent it seeks information not within the possession, custody, or control of StarKist.  
12 StarKist further objects to the Request to the extent that it seeks information protected from  
13 discovery by any applicable privilege, immunity, or protection.

#### 14 **REQUEST FOR PRODUCTION NO. 6**

15 All Documents related to or concerning tuna that was separately stored because  
16 dolphins were harmed during its procurement.

#### 17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

18 StarKist hereby incorporates by reference its General Objections. StarKist further  
19 objects to this request on the grounds, reflected in the Motion, that class certification should  
20 be denied without discovery in this Action. StarKist further objects on the basis that this  
21 Request is overbroad and unduly burdensome and seeks information that is not proportional  
22 to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents”  
23 and its purported inclusion of tuna unrelated to any StarKist product. StarKist further  
24 objects to this Request as vague and ambiguous, particularly with respect to the phrase  
25 “related to or concerning” and the terms “harmed” and “procurement.” StarKist further  
26 objects to this Request as cumulative and duplicative of Request Nos. 4 and 5. StarKist  
27 further objects to the Request to the extent that it seeks information that is publicly  
28 available and/or can be obtained from sources that are more convenient, less burdensome,

or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 7**

All Documents sufficient to show by name, country of origin, ownership, call sign, IMO number, MMSI number, and flag all boats that supplied the tuna in Your Products or that was involved in transshipping that tuna.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “all boats.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “IMO number” and “MMSI number,” and the phrase “involved in transshipping.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 8**

All Documents identifying by name, country of origin, ownership, call sign, IMO number, MMSI number, and flag all boats in which You or Your owners, have any ownership or financial interest.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification



should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents,” “all boats,” and “any ownership or financial interest,” and its purported inclusion of boats unrelated to any StarKist tuna product. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “IMO number,” “MMSI number,” and “owners,” and the phrase “ownership or financial interest.” StarKist further objects to this Request as cumulative and duplicative of Request No. 7. StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 9**

All Documents relating to or concerning the fishing method(s) used by each boat that supplied the tuna in Your Products, including, without limitation, the percentage of Your tuna procured by each fishing method.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “each boat.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “procured.” StarKist further objects to the

Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 10**

For each boat identified in Request No. 8, above, produce Documents identifying the name, address, and contact information of all captains and observers, if any, on board and the time period during which they served.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “all captains and observers,” and its purported inclusion of boats unrelated to any StarKist tuna product. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “captains,” “observers,” and “served.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 11**

All Documents and Communications relating to or concerning captain and observer compensation on each boat identified in response to Request No. 8, above.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications,” and its purported inclusion of boats unrelated to any StarKist tuna product. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms “captain,” “observer,” and “compensation.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 12**

All Documents and Communications relating to or concerning the compensation of Your tuna suppliers, their names, addresses, and contact information, and the term(s) of their engagement(s).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “relating to or concerning” and “term(s) of their engagement(s),” and the term “compensation.” StarKist further objects to the

Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

**REQUEST FOR PRODUCTION NO. 13**

All Documents constituting or regarding inquiries, complaints, or Communications regarding Your Products whether by NMFS, NOAA, or any other governmental regulatory agency, either domestic or international.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “any other governmental regulatory agency, either domestic or international,” and its purported inclusion of documents without any limitation as to subject matter. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “regarding,” “inquiries,” “complaints,” and “governmental regulatory agency.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 14**

Copies of all Social Media Communications relating to or concerning dolphin safety, fishing methods, and/or responsible sourcing of Your Products from the time the Products were first introduced to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all Social Media Communications” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “responsible sourcing” and “introduced.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 15**

Exemplars of all sales materials, promotional materials, newsletters, informational publications, and advertisements, including, but not limited to print, radio, internet and television advertisements, and point-of-sale literature which in any way refer to, depict, and/or discuss dolphin safety, tuna fishing methods and procurement, and/or responsible tuna sourcing, including all versions and drafts from the time the Products were first introduced to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all sales materials, promotional materials, newsletters, informational publications, and advertisements,” “in any way refer to, depict, and/or discuss,” “all versions and drafts,” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “informational publications,” “procurement,” “responsible tuna sourcing,” and “introduced.” StarKist further objects to this Request as cumulative and duplicative of Request No. 14. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 16**

All Documents and Communications related to or concerning the design, content, placement and distribution, budget, payment, and return on investment of or for the sales materials, promotional materials, newsletters, informational publications, advertisements, and Social Media Communications produced in response to Request Nos. 14 & 15, without temporal limitation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “without temporal limitation.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “related to or concerning,” “placement and distribution,” “return on investment,” and “informational publications.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 17**

Exemplars of all Product Labels from the time the Products were first introduced to the present, including all versions, drafts, revisions, and information regarding when and where the exemplars were utilized or disseminated.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all Product Labels,” “from the time the Products were first introduced,” and “all versions,

drafts, revisions.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “introduced,” “utilized,” and “disseminated.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 18**

All Documents and Communications related to or concerning the design and content of the Product Labels, from the time the Products were first introduced to the present, including, without limitation, the dolphin-safe, sustainability, and tracking information to be provided on the Label and placement of the dolphin-safe logo on the Label, their font size and color selection.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 18**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that the “only label at issue in [this Action] is the dolphin-safe label” and that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “related to or concerning” and the terms “introduced,” “sustainability,” and “tracking.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less



1 burdensome, or less expensive. StarKist further objects to this Request to the extent it  
2 seeks information not within the possession, custody, or control of StarKist. StarKist  
3 further objects to the Request to the extent that it seeks information protected from  
4 discovery by any applicable privilege, immunity, or protection.

5 **REQUEST FOR PRODUCTION NO. 19**

6 All Documents that evidence, memorialize, summarize, analyze, or discuss how to  
7 market or advertise Your Products and the return on investment or effectiveness of the  
8 marketing and advertising, created at any point from the time the Products were first  
9 introduced to the present.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19**

11 StarKist hereby incorporates by reference its General Objections. StarKist further  
12 objects to this Request on the grounds, reflected in the Motion, that class certification  
13 should be denied without discovery in this Action. StarKist further objects on the basis that  
14 this Request is overbroad and unduly burdensome and seeks information that is not  
15 proportional to the needs of discovery in this case, particularly in its use of the phrases  
16 “[a]ll Documents” and “from the time the Products were first introduced,” and its purported  
17 inclusion of marketing and advertising documents without any limitation as to subject  
18 matter. StarKist further objects to this Request as vague and ambiguous, particularly with  
19 respect to the terms “return on investment,” “effectiveness,” and “introduced.” StarKist  
20 further objects to this Request as premature to the extent that it calls for expert analysis  
21 and/or opinions. StarKist further objects to this Request as cumulative and duplicative of  
22 Request No. 18. StarKist further objects to this Request to the extent it seeks information  
23 not within the possession, custody, or control of StarKist. StarKist further objects to the  
24 Request to the extent that it seeks information protected from discovery by any applicable  
25 privilege, immunity, or protection.

26 **REQUEST FOR PRODUCTION NO. 20**

27 All Documents that evidence, reflect, or relate to any marketing analysis or survey  
28 done at any time involving the importance to consumers or retailers of dolphin safety and

sustainable sourcing and/or the price consumers are willing to pay for dolphin-safe and sustainably sourced tuna.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “at any time,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “importance,” “sustainable sourcing,” and “sustainably sourced.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

**REQUEST FOR PRODUCTION NO. 21**

All Documents identifying the name, address, and contact person(s) of all retailers of Your Products in the United States, the locations of all stores where they sold Your Products in the United States, and when each store sold Your Products in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all retailers” and “all stores.” StarKist further objects to this Request as vague and ambiguous,

1 particularly with respect to the term “contact person(s).” StarKist further objects to the  
2 Request to the extent that it seeks information that is publicly available and/or can be  
3 obtained from sources that are more convenient, less burdensome, or less expensive.  
4 StarKist further objects to this Request to the extent it seeks information not within the  
5 possession, custody, or control of StarKist. StarKist further objects to the Request to the  
6 extent that it seeks information protected from discovery by any applicable privilege,  
7 immunity, or protection.

8 **REQUEST FOR PRODUCTION NO. 22**

9 All Documents and Communications with retailers related to or concerning dolphin  
10 safety, tuna sourcing methods, sustainability, FADs, and substantiation of the Products’  
11 Label representations.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22**

13 StarKist hereby incorporates by reference its General Objections. StarKist further  
14 objects to this Request on the grounds, reflected in the Motion, that class certification  
15 should be denied without discovery in this Action. StarKist further objects on the basis that  
16 this Request is overbroad and unduly burdensome and seeks information that is not  
17 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll  
18 Documents and Communications,” and in light of the Discovery Order holding that  
19 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin  
20 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and  
21 ambiguous, particularly with respect to the phrases “Documents . . . with” and “related to or  
22 concerning,” and the terms “tuna sourcing methods,” “sustainability,” and “substantiation.”  
23 StarKist further objects to the Request to the extent that it seeks information that is publicly  
24 available and/or can be obtained from sources that are more convenient, less burdensome,  
25 or less expensive. StarKist further objects to this Request to the extent it seeks information  
26 not within the possession, custody, or control of StarKist. StarKist further objects to the  
27 Request to the extent that it seeks information protected from discovery by any applicable  
28 privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 23**

All Documents identifying each shipment of Your Products to retailers or third party distributors for sale to U.S. consumers, including:

1. The name and address of the recipient;
2. The total number of units of each Product shipped;
3. The Wholesale Price, SKU, UPC, and MSRP of each Product shipped; and
4. The amount of any rebate on each Product shipped.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “for sale to U.S. consumers” and the term “rebate.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

**REQUEST FOR PRODUCTION NO. 24**

All Documents identifying separately by state and on a monthly basis the total number of units, SKUs, and UPCs, of each Product distributed for retail sale and the Net Sales amount You received from sales of each Product.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “distributed for retail sale.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 25**

All Documents identifying separately by state and on a monthly basis the total number of units, SKUs, and UPCs, of each Product returned to You by retailers, third party distributors or consumers.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “returned.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this

Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 26**

All Documents received from retailers, IRI, or Nielsen which refer to or concern the pricing, Revenue, and/or sales of any of the Products.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “concern.” StarKist further objects to this Request as cumulative and duplicative of Request No. 24. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

**REQUEST FOR PRODUCTION NO. 27**

All Documents and Communications relating to or concerning the price premium, dollar value, or Product-associated cost of the dolphin-safe guarantee and/or sustainable sourcing.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that

1 this Request is overbroad and unduly burdensome and seeks information that is not  
2 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll  
3 Documents and Communications” and in light of the Discovery Order holding that  
4 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin  
5 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and  
6 ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms  
7 “price premium,” “Product-associated cost,” “sustainable sourcing.” StarKist further  
8 objects to this Request as premature to the extent that it calls for expert analysis and/or  
9 opinions. StarKist further objects to the Request to the extent that it seeks information  
10 protected from discovery by any applicable privilege, immunity, or protection.

11 **REQUEST FOR PRODUCTION NO. 28**

12 All Documents and Communications relating to the use of FADs in procuring tuna  
13 in Your Products.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28**

15 StarKist hereby incorporates by reference its General Objections. StarKist further  
16 objects to this Request on the grounds, reflected in the Motion, that class certification  
17 should be denied without discovery in this Action. StarKist further objects on the basis that  
18 this Request is overbroad and unduly burdensome and seeks information that is not  
19 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll  
20 Documents and Communications” and its purported inclusion of documents unrelated to  
21 dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague  
22 and ambiguous, particularly with respect to the terms “use” and “procuring.” StarKist  
23 further objects to the Request to the extent that it seeks information that is publicly  
24 available and/or can be obtained from sources that are more convenient, less burdensome,  
25 or less expensive. StarKist further objects to the Request to the extent that it seeks  
26 information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 29**

All Documents or Communications that refer to or discuss any meeting, Communication, or agreement with Tri-Union Seafoods, LLC (dba Chicken of the Sea International, Inc.) or Bumble Bee Foods, LLC concerning the marketing, Advertising, packing or co-packing, fishing methods, use or non-use of FADs, dolphin safety, or sale of Your Products, including, without limitation, the February 2012 agreement with Bumble Bee Foods, LLC and Tri-Union Seafoods, LLC (dba Chicken of the Sea International, Inc.) to not sell a branded FAD-free tuna product in the U.S. and the May 31, 2012 statement issued through the NFI on behalf of Bumble Bee, Chicken of the Sea, and StarKist.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents or Communications” and its purported inclusion of documents unrelated to dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “concerning,” “agreement,” and “packing or co-packing.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 30**

All Documents referring or relating to Your Communications with EII and/or MSC regarding dolphin safety and/or sustainability standards and their respective organization’s sustainability requirements.



**RESPONSE TO REQUEST FOR PRODUCTION NO. 30**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relating,” “sustainability standards,” and “sustainability requirements.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 31**

All Documents and Communications which refer to or concern Your use of the EII Dolphin-Safe Logo or Your decision not to use the dolphin-safe mark codified at 50 C.F.R. § 216.95, including, without limitation, Documents and Communications concerning:

1. Your authorization to use the logo;
2. Your application to use the logo, including all supporting Documents;
3. EII Dolphin-Safe Logo eligibility standards;
4. Inspections or audits by EII and the results thereof, including captain’s statements and other documents supplied to EII in the course of its inspections or audits;
5. EII dolphin safety verification requirements; and

6. Your compliance with and/or violation of EII Dolphin-Safe Logo standards and requirements.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 31**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents or Communications.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “use,” “authorization,” “application,” “eligibility standards,” “verification requirements,” and “standards and requirements.” StarKist further objects to the defined term “EII Dolphin Safe Logo” as vague, ambiguous, and nonsensical in its use of the word “EII.” StarKist further objects to this Request as cumulative and duplicative of Request No. 30. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 32**

All Documents and Communications relating to Your membership in the ISSF.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 32**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents or Communications” and its purported inclusion of documents unrelated to

dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “membership.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 33**

Documents sufficient to show all money You paid to ISSF, MSC, NFI, or EIL. This includes, without limitation, all money paid as a result of membership dues, assessments, fees, special projects, lobbying, and the like, as well as any money voluntarily paid or donated to them.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 33**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “all money” and its purported inclusion of documents unrelated to dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “special projects” and “the like.” StarKist further objects to this Request as cumulative and duplicative of Request No. 32. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the

1 extent that it seeks information protected from discovery by any applicable privilege,  
 2 immunity, or protection.

3 **REQUEST FOR PRODUCTION NO. 34**

4 All Documents or Communications with Greenpeace, Sea Shepherd, WWF, or any  
 5 other Non-Governmental Organization regarding dolphins or tuna.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34**

7 StarKist hereby incorporates by reference its General Objections. StarKist further  
 8 objects to this Request on the grounds, reflected in the Motion, that class certification  
 9 should be denied without discovery in this Action. StarKist further objects on the basis that  
 10 this Request is overbroad and unduly burdensome and seeks information that is not  
 11 proportional to the needs of discovery in this case, particularly in its use of the phrases  
 12 “[a]ll Documents or Communications” and “any other Non-Governmental Organization,”  
 13 and its purported inclusion of documents unrelated to dolphin harm and/or dolphin  
 14 mortality. StarKist further objects to this Request as vague and ambiguous, particularly  
 15 with respect to the undefined terms “Greenpeace,” “Sea Shepherd,” and “Non-  
 16 Governmental Organization.” StarKist further objects to this Request as cumulative and  
 17 duplicative of Request Nos. 30, 31, 32, and 33. StarKist further objects to the Request to  
 18 the extent that it seeks information that is publicly available and/or can be obtained from  
 19 sources that are more convenient, less burdensome, or less expensive. StarKist further  
 20 objects to this Request to the extent it seeks information not within the possession, custody,  
 21 or control of StarKist. StarKist further objects to the Request to the extent that it seeks  
 22 information protected from discovery by any applicable privilege, immunity, or protection.

23 **REQUEST FOR PRODUCTION NO. 35**

24 All Documents and Communications with the PNA or Pacifica relating to  
 25 sustainably caught tuna or tuna Products, including communications from EII regarding  
 26 tuna sourced from PNA waters or by Pacifica.

27  
 28

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Documents . . . with” and the terms “Pacifical,” “sustainably caught,” “sourced,” and “PNA waters.” StarKist further objects to this Request as cumulative and duplicative of Request No. 34. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 36**

All Documents and Communications that involve the relationship between EII and MSC, or disputes between them, regarding their labels and certifications for tuna Products.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 36**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that the

“only label at issue in [this Action] is the dolphin-safe label.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “involve,” “relationship,” “disputes,” “labels,” and “certifications.” StarKist further objects to this Request as cumulative and duplicative of Request No. 34. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 37**

All Documents related to or concerning how and why the dolphin-safe logo on Your Products was selected, from the time the Products were first introduced to the present.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 37**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time the Products were first introduced.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “related to or concerning” and the terms “selected,” and “introduced.” StarKist further objects to this Request as cumulative and duplicative of Request Nos. 18, 19, 20, and 22. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of

StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 38**

All Documents and Communications with ISSF, EII, WWF, NFI, or any other Non-Governmental Organization regarding dolphin safety, sustainable tuna fishing methods and procurement, tuna traceability, FADs, and Bycatch.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 38**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “any other Non-Governmental Organization,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Documents . . . with” and the terms “Non-Governmental Organization,” “sustainable,” “procurement,” and “traceability.” StarKist further objects to this Request as cumulative and duplicative of Request No. 34. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 39**

All Documents and Communications, from the time your Products were first introduced, relating to sustainability and dolphin-safe fishing standards, certifications, and

labels set by industry groups, committees, and organizations, including but not limited to EII, MSC, ISSF, and NFI.

### **RESPONSE TO REQUEST FOR PRODUCTION NO. 39**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time your Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “introduced,” “relating,” “sustainability,” “standards,” “certifications,” and “industry groups, committees, and organizations.” StarKist further objects to this Request as cumulative and duplicative of Request No. 34. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

### **REQUEST FOR PRODUCTION NO. 40**

All Documents and Communications, from the time the Products were first introduced to the present, which refer or relate to Your dolphin-safe and/or sustainability policies and practices, including, without limitation, Documents and Communications concerning:

1. Your dolphin-safe policy;
2. Your sustainability policy;



3. Minutes of Committee meetings having to do with dolphin safety or sustainability; and
4. Any sustainability reports.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 40**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “sustainability” and “Committee meetings.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 41**

All Documents and Communications which refer or relate to the software, program, and other methods You use to track the chain-of-custody of Your tuna and verify its dolphin-safe and sustainable procurement, including, without limitation, any in-house digital supply chain mapping system.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 41**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not

proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relate,” “other methods,” “sustainable,” “procurement,” and “digital supply chain mapping system.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 42**

All Documents referring or relating to content published on Your Website from the time the Products were first introduced to the present concerning dolphin safety, tuna fishing methods and procurement, sustainable sourcing, FADs, Bycatch, and traceability.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 42**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relating,” “introduced,” “procurement,” “sustainable sourcing,” and “traceability.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive.

StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 43**

All Documents relating to Communications with consumers regarding dolphin safety, tuna fishing methods and procurement, sustainable sourcing, FADs, Bycatch, traceability, and this lawsuit from the time the Products were first introduced to the present, including, without limitation, calls received on Your consumer help line.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 43**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relating,” “procurement,” “sustainable sourcing,” “traceability,” and “introduced.” StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

**REQUEST FOR PRODUCTION NO. 44**

All Documents which You contend support any affirmative defense that You believe You have or will be asserting.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not

proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “any affirmative defense.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “You believe You have or will be asserting.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 45**

All Documents relating to your policies and procedures with respect to the retention or destruction of documents.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 45**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “relating.” StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 46**

All organizational and management charts reflecting the structure of Your company, including the organization, structure and business operations of each subsidiary, affiliate, division, department, unit, subdivision, committee, subcommittee, task force, working group, or other formal or informal group or business unit involved in the procurement

(including fishing), purchase, tracking, packing, verification, design, marketing, advertising, pricing, or sale of Your Products.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 46**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll organizational and management charts” and “each subsidiary, affiliate, division, department, unit, subdivision, committee, subcommittee, task force, working group, or other formal or informal group or business unit.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “formal or informal group or business unit” and the terms “involved,” “procurement,” “tracking,” “packing,” and “verification.” StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 47**

All Documents relating to or concerning the identity, job title(s), duties, and reporting relationships of all officers, Employees, and independent contractors of Your company who had any authority, input, responsibilities, or other involvement with any of the following subjects:

1. sourcing the Products, including fishing;
2. purchasing the tuna in the Products;

3. Labeling the Products;
4. tracking the Products;
5. packing the Products;
6. verifying the Products are dolphin-safe;
7. distributing the Products;
8. marketing the Products;
9. pricing the Products;
10. receiving, investigating, and/or responding to customer complaints or inquiries regarding the Products; and
11. serving on, or participating or providing input to, governmental entities or industry or regional groups, committees, or organization concerning the Products, sustainable fishing practices, and dolphin-safe certification, standards and labels, including, without limitation, the Department of Commerce, the United States Federal Trade Commission, the Food and Drug Administration, EII, MSC, ISSF, and NFI.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 47**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents,” in its purported inclusion of subjects unrelated to any issue in the Action, and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms “identity,” “authority,” “input,” “responsibilities,” “involvement,” “sourcing,” “tracking,” “governmental entities,” “industry or regional groups,” “committees,” “organization,” “sustainable,” “certification,”

1 and “standards.” StarKist further objects to the Request to the extent that it seeks  
2 information that is publicly available and/or can be obtained from sources that are more  
3 convenient, less burdensome, or less expensive. StarKist further objects to the Request to  
4 the extent that it seeks information protected from discovery by any applicable privilege,  
5 immunity, or protection. StarKist further objects to this Request to the extent it calls for  
6 information that is subject to third-party confidentiality restrictions. StarKist further objects  
7 to this Request to the extent it seeks confidential personnel information.

8 **REQUEST FOR PRODUCTION NO. 48**

9 Documents sufficient to identify by name and address the canneries and processing  
10 facilities for Your Products and dates utilized by You.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48**

12 StarKist hereby incorporates by reference its General Objections. StarKist further  
13 objects to this Request on the grounds, reflected in the Motion, that class certification  
14 should be denied without discovery in this Action. StarKist further objects on the basis that  
15 this Request is overbroad and unduly burdensome and seeks information that is not  
16 proportional to the needs of discovery in this case. StarKist further objects to this Request  
17 as vague and ambiguous, particularly with respect to the terms “processing facilities” and  
18 “utilized.” StarKist further objects to the Request to the extent that it seeks information that  
19 is publicly available and/or can be obtained from sources that are more convenient, less  
20 burdensome, or less expensive. StarKist further objects to the Request to the extent that it  
21 seeks information protected from discovery by any applicable privilege, immunity, or  
22 protection.

23 **REQUEST FOR PRODUCTION NO. 49**

24 All Documents and Communications relating to or concerning the services  
25 Dongwon performs for You.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49**

27 StarKist hereby incorporates by reference its General Objections. StarKist further  
28 objects to this Request on the grounds, reflected in the Motion, that class certification

should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in its purported inclusion of services unrelated to any issue in the Action. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “services” and “performs.” StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

#### **REQUEST FOR PRODUCTION NO. 50**

All Documents and Communications between You and Dongwon regarding dolphin safety, sustainable sourcing of tuna, Bycatch, FADs, fishing methods, pricing of U.S. tuna products, and suppliers of U.S. tuna products.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 50**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Documents . . . between” and the terms “sustainable sourcing” and “suppliers.” StarKist further objects to this definition to the



1 extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed  
2 from this Action with prejudice. StarKist further objects to this Request to the extent it  
3 seeks information not within the possession, custody, or control of StarKist. StarKist  
4 further objects to the Request to the extent that it seeks information protected from  
5 discovery by any applicable privilege, immunity, or protection.

6 **REQUEST FOR PRODUCTION NO. 51**

7 All Documents identifying any consumers who purchased Your Products, including  
8 all names, email, mailing, and/or street addresses, and any information regarding their  
9 specific purchases of your Products.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51**

11 StarKist hereby incorporates by reference its General Objections. StarKist further  
12 objects to this Request on the grounds, reflected in the Motion, that class certification  
13 should be denied without discovery in this Action. StarKist further objects on the basis that  
14 this Request is overbroad and unduly burdensome and seeks information that is not  
15 proportional to the needs of discovery in this case, particularly in its use of the phrases  
16 “[a]ll Documents,” “any consumers,” and “any information.” StarKist further objects to  
17 this Request as vague and ambiguous, particularly with respect to the terms “identifying”  
18 and “specific purchases.” StarKist further objects to the Request to the extent that it seeks  
19 information that is publicly available and/or can be obtained from sources that are more  
20 convenient, less burdensome, or less expensive. StarKist further objects to this Request to  
21 the extent it seeks information not within the possession, custody, or control of StarKist.  
22 StarKist further objects to the Request to the extent that it seeks information protected from  
23 discovery by any applicable privilege, immunity, or protection.

24 **REQUEST FOR PRODUCTION NO. 52**

25 All insurance policies or indemnification agreements or other documents, that may  
26 provide coverage to You for any of the claims or causes of action asserted in this action, or  
27 that may provide reimbursement for payments made in defense of this action, and  
28 correspondence concerning coverage related to this action.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 52**

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “other documents” and “may provide,” and the terms “coverage” and “reimbursement.” StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

Dated: September 14, 2020

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